

Members

Sen. Sue Landske, Chairperson
Sen. Connie Lawson
Sen. Timothy Lanane
Sen. James Arnold
Rep. Kathy Richardson
Rep. Robert Behning
Rep. John Bartlett
Rep. Shelli VanDenburgh



CENSUS DATA ADVISORY COMMITTEE

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MEETING MINUTES¹

Meeting Date: November 17, 2011
Meeting Time: 2:00 P.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. Sue Landske, Chair; Sen. Connie Lawson; Sen. Timothy Lanane; Sen. James Arnold; Rep. Kathy Richardson; Rep. Robert Behning; Rep. John Bartlett; Rep. Shelli VanDenburgh.

Members Absent: None.

(1) **Call to Order.** The Chair called the meeting to order at approximately 2:05 p.m.

(2) **Introduction of Members.** The Committee members introduced themselves.

(3) **Descriptions of Political Subdivisions in Statutes; review of PD 3368.** The Chair stated that at its most recent meeting, the Code Revision Commission reconsidered and reversed its recommendation that political subdivisions should be identified by names rather than population parameters. The Chair said that she had instructed staff to prepare

1. These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative> Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

for the Committee's consideration a new draft that would update population parameters in statutes based on the results of the 2010 Decennial Census. The Chair recognized Mr. Rudolph to review PD 3368.²

Mr. Rudolph reviewed the history of the Code Revision Commission's recommendation regarding naming political subdivisions rather than using population parameters. Preliminary Draft 3081, which was reviewed at the Committee's October meeting, reflected that recommendation. Mr. Rudolph also reviewed the Code Revision Commission's reconsideration of that decision. He said that PD 3368 resulted from the following changes to PD 3081: (1) Removing all provisions relating to establishing a statute of limitations for bringing challenges to statutes under the special and local legislation provisions of the Indiana Constitution. (2) Removing all provisions that changed references to "consolidated city." (3) Changing population parameters in statutes for political subdivisions that required changes due to the results of the 2010 Census.

Representative Bartlett spoke about the creation of "Unigov" and what he considers the racial motivations for its creation. He said that the ability of residents of the "excluded cities" to vote both for the mayor of their excluded cities and the mayor of Indianapolis was not fair to other citizens in Marion County and dilutes the votes of African-Americans who live in Marion County. He said that "Unigov" should be extended to its logical conclusion: there should be one city, one school corporation, one fire department, one police department, and one library system for the entire county.

A motion was made and seconded to approve PD 3368. The role was called with the following result: **In favor:** Senator Landske, Senator Lawson; Senator Lanane, Senator Arnold, Representative Richardson; Representative Behning. **Opposed:** Representative Bartlett, Representative Vandenburg. Motion adopted on a vote of 6-2.

Representative Vandenburg explained her vote saying that, as a member of the Code Revision Commission, she had opposed the change of recommendation by the Commission and so opposed approving PD 3368 because she thinks that for the sake of clarity, political subdivisions should be identified by name. She said she had suggested to the Commission that if parameters were used to describe political subdivisions, the names of the political subdivisions should also be included in the statutes.

(4) Discussion of Issues Relating to Election Law. The Chair recognized Maureen Bard and Mark Stratton, Co-Directors of the Office of Census Data ("OCD"). Ms. Bard and Mr. Stratton updated the Committee on the technical problem relating to the mapping of Elkhart County and to finding a solution to that problem since the Committee's October meeting.³ Ms. Bard described the process by which information is exchanged among the OCD, the Census Bureau, and political subdivisions to update geographic information. She also discussed an anomaly that occurred in Vigo County, which could be handled administratively.

2. The reader may view a copy of Preliminary Draft 3368 at the Committee's webpage: <http://www.in.gov/legislative/interim/committee/cdac.html>

3. The reader is directed to the Minutes of the Committee's October 13 meeting and Exhibit #1 to those minutes for additional information on the problem involving Elkhart County.

In response to a question from Senator Lawson, Mr. Stratton said that the Elkhart County problem possibly could be solved administratively under the redistricting statute or the legislature could enact a solution. He said that he thinks there is a consensus to remedy the problem through a technical correction bill because the geography at issue has residents. Mr. Stratton explained that it has been common practice to have a technical correction bill after a redistricting statute is enacted to resolve problems that have been discovered. Mr. Stratton said that the OCD is still working with the counties and reviewing the census data to see if there are any other problems that might require a legislative solution.

In response to a question about the timetable for identifying problems, Ms. Bard said that OCD continued to work with the counties; the timetable depends on how responsive the counties can be. Mr. Rudolph observed that unlike ten years ago when there were no elections held the year after the census was conducted, municipal elections have been held this year, so county officials were more pressed for time to assist the review of the geography. Representative Richardson suggested that a bill be prepared to address problems we know about now. Solutions to problems discovered later could be added to the bill. A motion was made and seconded to so instruct staff; the motion was adopted by consent.

Representative Bartlett observed that census geography relates not only to legislative redistricting, but also to redistricting various local legislative bodies. He told the Committee that he, Representative Koch, Senator Lanane, and Senator Landske had sent representatives of school corporations and counties a reminder concerning the duty to redistrict their legislative bodies as required by law. Representative Bartlett explained that the impetus for the letter was testimony heard in the Interim Study Committee on Redistricting revealing that a number of school corporations that elect school board members by districts and counties for legislative or fiscal bodies had not redrawn these districts for many decades.⁴

Senator Lanane inquired about the nature of the solution to the problem in Elkhart County; would the descriptions of the affected districts require amendment? Staff responded that the nature of the problem in Elkhart County would not require a change in the descriptions of any legislative districts because all that would be done was moving certain census blocks as they are shown in the GIS into the correct township. The legislative solution would probably require only an identification of the mismapped census blocks and a statement that, notwithstanding the information contained in the GIS when the redistricting statutes were enacted, those census blocks are really intended to be part of one house district and not the other.

In response to a question from Representative VanDenburgh, Mr. Stratton discussed the processes relating to local redistricting. He described the process for establishing new precincts and interactions of the Election Division, the OCD, and the counties. Representative Richardson added some details based on her experience in election administration. Senator Landske described the different process in effect in Lake County.

4. The reader may wish to review the Minutes of the October 7, 2011 meeting of the Interim Study Committee on Redistricting which can be found at the Committee's webpage: <http://www.in.gov/legislative/interim/committee/icre.html>

The Chair recognized Wendy Hudson, Elkhart County circuit court clerk, and her chief deputy, Chris Anderson, to describe how the mapping error would affect Elkhart County. Ms. Hudson and Mr. Anderson discussed the geography that relates to the error and what the Clerk's Office would be required to do to comply with Indiana law if the error were not corrected. Compliance with the law would require the creation of a precinct with only three residents if the geographic error is not corrected.

In response to a question from Senator Lawson, there was discussion about the maps originally submitted by Elkhart County and how the error occurred. Staff suggested that since the erroneously assigned geography consisted of three census blocks, the error probably arose when the Census Bureau, which must deal with hundreds of thousands of census blocks, misassigned the three census blocks involved to the wrong township in Elkhart County. There was also discussion of census technical terminology.

In response to another question from Senator Lawson about whether there was enough time for a legislative solution to be effective because of candidate filing deadlines, various ideas were discussed such as making the legislation effective upon passage or retroactively, and legalization of actions taken by Elkhart County officials in anticipation of a legislative correction.

In response to a question from Representative VanDenburgh about whether there was a possibility that any of the residents of the misassigned geography might file to be a candidate for office, Mr. Anderson said that one of the three individuals had been a candidate for office in the past.

(5) Other Committee Business. The Chair recognized Trent Deckard, Co-Executive Director of the Indiana Election Division, for remarks. Mr. Deckard said that the recently concluded municipal elections generally went well with only minor problems. He told the Committee that the annual conference for circuit court clerks and other election administrators would be held December 12-14 in Indianapolis.

Staff reminded the Committee that the Committee would need to have a brief meeting to approve an annual report.

(6) Selection of Next Meeting Date. The Chair announced that there would be no other meetings scheduled, other than to meet briefly during the session to approve an annual report. Notice of that meeting would be given when scheduled.

(7) Adjournment. The Chair declared the meeting adjourned at approximately 3:00 p.m.